

**PRE-DEVELOPMENT SITE GRADING ACKNOWLEDGEMENT  
AND RIGHT OF ACCESS FORM**

The undersigned (“Applicant”) owns and holds legal title to the real property to be known as Overlook at Homestead Filing No. 1 (“Property”), which Property is legally described on Exhibit A attached hereto and incorporated herein by this reference.

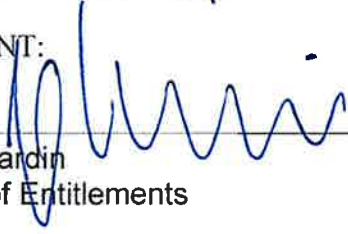
Applicant seeks approval for Pre-Development Site Grading under Section 6.2.6 of the El Paso County Land Development Code. As a condition of approval and issuance of Construction Permit No. \_\_\_\_\_, Applicant must complete and submit this Pre-Development Site Grading Acknowledgement and Right of Access Form. In compliance therewith, by signing below, Applicant hereby acknowledges and agrees as follows:

1. The approval and issuance of the Construction Permit does not guarantee or create a right in, or a right of expectation in, Applicant that the El Paso County Planning Commission will recommend or the Board of County Commissioners of El Paso County will approve Applicant’s final plat for the Property. Applicant may proceed with grading under the Construction Permit at Applicant’s sole risk.
2. The Construction Permit shall be personal to the Applicant and shall not run with the land. Any successors and/or assigns of the Applicant desiring to proceed or continue with the Pre-Development Site Grading approval shall execute their own Pre-Development Site Grading Acknowledgement and Right of Access Form, obtain their own Construction Permit and provide replacement financial guarantees.
3. Applicant hereby grants to El Paso County, its employees, agents, contractors, and/or subcontractors free access to enter upon the Property at all reasonable hours for the following purposes in accordance with requirements of the El Paso County Engineering Criteria Manual (ECM), Section I.5:
  - a. To inspect and investigate for compliance with Construction Permit requirements, including, but not limited to, proper installation and maintenance of erosion and sediment control measures; and
  - b. To inspect and investigate for completion of grading activities and soil stabilization requirements; and
  - c. In the event of noncompliance with either of the above, to identify deficiencies, which may result in issuance of a Letter of Noncompliance which includes such deficiencies to be corrected by Applicant; and
  - d. In the event the Applicant does not correct deficiencies identified in a Letter of Noncompliance, to draw on collateral provided and perform the work in order to correct said deficiencies pursuant to ECM Section I.6.1.H.

4. To the extent allowed by law, Applicant shall indemnify, defend, and forever hold harmless the Board of County Commissioners of El Paso County, their officers, employees, agents, contractors, and subcontractors, from any and all claim, demand, action, cause of action, loss, damage, injury, property damage, personal injury, death, liability, duty, obligation, costs and expenses (including attorney fees) arising out of or related to such entry on the Property. Nothing in this section shall be deemed to waive or otherwise limit the defenses available to the Board of County Commissioners pursuant to the Colorado Governmental Immunity Act or as otherwise provided by law.
5. In accordance with ECM Sections 5.3.15 and I.4.1.A.3, Applicant is obligated to provide security or collateral sufficient to make reasonable provision for completion of the grading, erosion control and final stabilization measures, in the amount set forth on Exhibit B attached hereto.
6. Applicant is responsible for providing any renewals of collateral to ensure that there is never a lapse in security coverage. Applicant shall procure renewal/extension/replacement collateral at least fifteen (15) days prior to the expiration of the original or renewal/extension/replacement collateral then in effect. Failure to procure renewal/extension/replacement collateral within this time limit shall allow the County to execute on the collateral.
7. All of those certain grading, erosion control and final stabilization measures to be completed as identified on Exhibit B shall be constructed in compliance with the following:
  - a. All laws, resolutions and regulations of the United States, State of Colorado, El Paso County and its various agencies, affected special districts and/or servicing authorities.
  - b. Such other designs, drawings, maps, specifications, sketches and other matter submitted to and approved by any of the above-stated governmental entities.
8. All grading, erosion control and final stabilization measures shall be completed by the Applicant within 12 (twelve) months from the date of notice to proceed in the Construction Permit. If Applicant determines that the completion date needs to be extended, Applicant shall submit a written request for a change in the completion date to the ECM Administrator at least 90 days in advance of the required completion date. The request shall include the reasons for the requested change in completion date, the proposed new completion date, and prove collateral is in place to cover the extension time requested. The completion date for the Construction Permit may be extended at the discretion of the ECM Administrator. Failure to meet the original or extended completion date, as applicable, shall allow the County to execute on the collateral.

IN WITNESS WHEREOF, the Applicant hereby executes this Pre-Development Site Grading Acknowledgement and Right of Access Form this 7 day of May, 2024

APPLICANT:

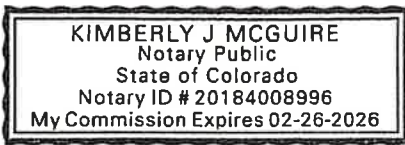
  
\_\_\_\_\_  
Joe DesJardin  
Director of Entitlements

STATE OF COLORADO    )  
  )ss.  
COUNTY OF EL PASO    )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of May, 2024, by Joe DesJardin - Director of Entitlements.

Witness my hand and official seal.

My commission expires: 02-26-2026



  
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Meggan Herington, Executive Director  
Planning and Community Development Department

9/18/24  
Date

Approved as to Content and Form:

  
\_\_\_\_\_  
Assistant County Attorney

Exhibit A

Legal Description

**Parcel 4100000255**

**Legal Description: SE4SE4 SEC 22-11-64 NW4NE4, NE4NW4 SEC 27-11-64, EX 8.5 AC NW OF R/W OF THE COLO AND SOUTHERN R/W CO**

**Parcel: 4100000256**

**Legal Description: NE4NE4, S2NE4, SE4NW4, SEC 27-11-64**

**Parcel: 4122000005**

**Legal Description: N2SE4 SEC 22-11-64 EX THAT PT CONV BY REC #205156836**

Exhibit B

2024 Financial Assurance Estimate Form  
(with pre-plat construction)

Updated: 10/2023

PROJECT INFORMATION		
<b>Overlook at Homestead Early Grading</b>	<b>8/21/2024</b>	<b>EGP241</b>
<b>Project Name</b>	<b>Date</b>	<b>PCD File No.</b>

Description	Quantity	Units	Unit Cost	Total	(with Pre-Plat Construction)	
					% Complete	Remaining
<b>SECTION 1 - GRADING AND EROSION CONTROL (Construction and Permanent BMPs)</b>						
Earthwork						
less than 1,000; \$5,300 min		CY	\$ 8.00	= \$ -		\$ -
1,000-5,000; \$8,000 min		CY	\$ 6.00	= \$ -		\$ -
5,001-20,000; \$30,000 min		CY	\$ 5.00	= \$ -		\$ -
20,001-50,000; \$100,000 min		CY	\$ 3.50	= \$ -		\$ -
50,001-200,000; \$175,000 min	119240	CY	\$ 2.50	= \$ 298,100.00		\$ 298,100.00
greater than 200,000; \$500,000 min		CY	\$ 2.00	= \$ -		\$ -
Permanent Erosion Control Blanket	10945	SY	\$ 9.00	= \$ 98,505.00		\$ 98,505.00
Permanent Seeding (inc. noxious weed mgmnt.) & Mulching	23.80	AC	\$ 2,018.00	= \$ 48,028.40		\$ 48,028.40
Permanent Pond/BMP (provide engineer's estimate)		EA		= \$ -		\$ -
Concrete Washout Basin	1	EA	\$ 1,172.00	= \$ 1,172.00		\$ 1,172.00
Inlet Protection	27	EA	\$ 217.00	= \$ 5,859.00		\$ 5,859.00
Rock Check Dam		EA	\$ 651.00	= \$ -		\$ -
Safety Fence		LF	\$ 3.00	= \$ -		\$ -
Sediment Basin	3	EA	\$ 2,294.00	= \$ 6,882.00		\$ 6,882.00
Sediment Trap		EA	\$ 538.00	= \$ -		\$ -
Silt Fence	30830	LF	\$ 3.00	= \$ 92,490.00		\$ 92,490.00
Slope Drain		LF	\$ 43.00	= \$ -		\$ -
Straw Bale		EA	\$ 33.00	= \$ -		\$ -
Straw Wattle/Rock Sock	5080	LF	\$ 8.00	= \$ 40,640.00		\$ 40,640.00
Surface Roughening		AC	\$ 269.00	= \$ -		\$ -
Temporary Erosion Control Blanket		SY	\$ 3.00	= \$ -		\$ -
Temporary Seeding and Mulching		AC	\$ 1,793.00	= \$ -		\$ -
Vehicle Tracking Control	1	EA	\$ 3,085.00	= \$ 3,085.00		\$ 3,085.00
				= \$ -		\$ -
				= \$ -		\$ -
<i>[insert items not listed but part of construction plans]</i>						
				= \$ -		\$ -
<b>MAINTENANCE (35% of Construction BMPs)</b>				= \$ 52,134.60		\$ 52,134.60
<b>Section 1 Subtotal</b>				= \$ <b>646,896.00</b>		\$ <b>646,896.00</b>

\* - Subject to defect warranty financial assurance. A minimum of 20% shall be retained until final acceptance (MAXIMUM OF 80% COMPLETE ALLOWED)

<b>SECTION 2 - PUBLIC IMPROVEMENTS *</b>						
<b>ROADWAY IMPROVEMENTS</b>						
Construction Traffic Control		LS		= \$ -		\$ -
Aggregate Base Course (135 lbs/cf)		Tons	\$ 37.00	= \$ -		\$ -
Aggregate Base Course (135 lbs/cf)		CY	\$ 66.00	= \$ -		\$ -
Asphalt Pavement (3" thick)		SY	\$ 18.00	= \$ -		\$ -
Asphalt Pavement (4" thick)		SY	\$ 25.00	= \$ -		\$ -
Asphalt Pavement (6" thick)		SY	\$ 38.00	= \$ -		\$ -
Asphalt Pavement (147 lbs/cf) ___" thick		Tons	\$ 114.00	= \$ -		\$ -
Raised Median, Paved		SF	\$ 11.00	= \$ -		\$ -
Regulatory Sign/Advisory Sign		EA	\$ 392.00	= \$ -		\$ -
Guide/Street Name Sign		EA		= \$ -		\$ -
Epoxy Pavement Marking		SF	\$ 17.00	= \$ -		\$ -
Thermoplastic Pavement Marking		SF	\$ 30.00	= \$ -		\$ -
Barricade - Type 3		EA	\$ 259.00	= \$ -		\$ -
Delineator - Type I		EA	\$ 31.00	= \$ -		\$ -
Curb and Gutter, Type A (6" Vertical)		LF	\$ 38.00	= \$ -		\$ -
Curb and Gutter, Type B (Median)		LF	\$ 38.00	= \$ -		\$ -
Curb and Gutter, Type C (Ramp)		LF	\$ 38.00	= \$ -		\$ -
4" Sidewalk (common areas only)		SY	\$ 62.00	= \$ -		\$ -
5" Sidewalk		SY	\$ 77.00	= \$ -		\$ -
6" Sidewalk		SY	\$ 94.00	= \$ -		\$ -
8" Sidewalk		SY	\$ 125.00	= \$ -		\$ -
Pedestrian Ramp		EA	\$ 1,496.00	= \$ -		\$ -
Cross Pan, local (8" thick, 6' wide to include return)		LF	\$ 79.00	= \$ -		\$ -
Cross Pan, collector (9" thick, 8' wide to include return)		LF	\$ 119.00	= \$ -		\$ -
Curb Opening with Drainage Chase		EA	\$ 1,926.00	= \$ -		\$ -
Guardrail Type 3 (W-Beam)		LF	\$ 65.00	= \$ -		\$ -
Guardrail Type 7 (Concrete)		LF	\$ 94.00	= \$ -		\$ -
Guardrail End Anchorage		EA	\$ 2,731.00	= \$ -		\$ -
Guardrail Impact Attenuator		EA	\$ 4,902.00	= \$ -		\$ -
Sound Barrier Fence (CMU block, 6' high)		LF	\$ 102.00	= \$ -		\$ -
Sound Barrier Fence (panels, 6' high)		LF	\$ 104.00	= \$ -		\$ -
Electrical Conduit, Size =		LF	\$ 22.00	= \$ -		\$ -
Traffic Signal, (provide engineer's estimate)		EA		= \$ -		\$ -

PROJECT INFORMATION										
Overlook at Homestead Early Grading			8/21/2024			EGP241				
Project Name			Date			PCD File No.				
Description	Quantity	Units	Unit Cost	=	\$	Total	(with Pre-Plat Construction)			
							% Complete	Remaining		
<i>[insert items not listed but part of construction plans]</i>										
<b>STORM DRAIN IMPROVEMENTS</b>										
Concrete Box Culvert (M Standard), Size ( W x H )		LF		=	\$	-		\$	-	
18" Reinforced Concrete Pipe	269	LF	\$ 82.00	=	\$	22,058.00		\$	22,058.00	
24" Reinforced Concrete Pipe	106	LF	\$ 98.00	=	\$	10,388.00		\$	10,388.00	
30" Reinforced Concrete Pipe	193	LF	\$ 123.00	=	\$	23,739.00		\$	23,739.00	
36" Reinforced Concrete Pipe	257	LF	\$ 151.00	=	\$	38,807.00		\$	38,807.00	
42" Reinforced Concrete Pipe		LF	\$ 201.00	=	\$	-		\$	-	
48" Reinforced Concrete Pipe		LF	\$ 245.00	=	\$	-		\$	-	
54" Reinforced Concrete Pipe		LF	\$ 320.00	=	\$	-		\$	-	
60" Reinforced Concrete Pipe		LF	\$ 374.00	=	\$	-		\$	-	
66" Reinforced Concrete Pipe		LF	\$ 433.00	=	\$	-		\$	-	
72" Reinforced Concrete Pipe		LF	\$ 495.00	=	\$	-		\$	-	
18" Corrugated Steel Pipe		LF	\$ 105.00	=	\$	-		\$	-	
24" Corrugated Steel Pipe		LF	\$ 121.00	=	\$	-		\$	-	
30" Corrugated Steel Pipe		LF	\$ 154.00	=	\$	-		\$	-	
36" Corrugated Steel Pipe		LF	\$ 184.00	=	\$	-		\$	-	
42" Corrugated Steel Pipe		LF	\$ 212.00	=	\$	-		\$	-	
48" Corrugated Steel Pipe		LF	\$ 223.00	=	\$	-		\$	-	
54" Corrugated Steel Pipe		LF	\$ 327.00	=	\$	-		\$	-	
60" Corrugated Steel Pipe		LF	\$ 353.00	=	\$	-		\$	-	
66" Corrugated Steel Pipe		LF	\$ 427.00	=	\$	-		\$	-	
72" Corrugated Steel Pipe		LF	\$ 502.00	=	\$	-		\$	-	
78" Corrugated Steel Pipe		LF	\$ 578.00	=	\$	-		\$	-	
84" Corrugated Steel Pipe		LF	\$ 691.00	=	\$	-		\$	-	
Flared End Section (FES) RCP Size = 18 <i>(unit cost = 6x pipe unit cost)</i>	6	EA	\$ 492.00	=	\$	2,952.00		\$	2,952.00	
Flared End Section (FES) CSP Size = 24 <i>(unit cost = 6x pipe unit cost)</i>	1	EA	\$ 588.00	=	\$	588.00		\$	588.00	
Flared End Section (FES) RCP Size = 30 <i>(unit cost = 6x pipe unit cost)</i>	4	EA	\$ 738.00	=	\$	2,952.00		\$	2,952.00	
Flared End Section (FES) CSP Size = 36 <i>(unit cost = 6x pipe unit cost)</i>	8	EA	\$ 906.00	=	\$	7,248.00		\$	7,248.00	
End Treatment- Headwall		EA		=	\$	-		\$	-	
End Treatment- Wingwall		EA		=	\$	-		\$	-	
End Treatment - Cutoff Wall		EA		=	\$	-		\$	-	
Curb Inlet (Type R) L=5', Depth < 5'		EA	\$ 7,212.00	=	\$	-		\$	-	
Curb Inlet (Type R) L=5', 5' ≤ Depth < 10'		EA	\$ 9,377.00	=	\$	-		\$	-	
Curb Inlet (Type R) L=5', 10' ≤ Depth < 15'		EA	\$ 10,859.00	=	\$	-		\$	-	
Curb Inlet (Type R) L=10', Depth < 5'		EA	\$ 9,925.00	=	\$	-		\$	-	
Curb Inlet (Type R) L=10', 5' ≤ Depth < 10'		EA	\$ 10,230.00	=	\$	-		\$	-	
Curb Inlet (Type R) L=10', 10' ≤ Depth < 15'		EA	\$ 12,805.00	=	\$	-		\$	-	
Curb Inlet (Type R) L=15', Depth < 5'		EA	\$ 12,907.00	=	\$	-		\$	-	
Curb Inlet (Type R) L=15', 5' ≤ Depth < 10'		EA	\$ 13,835.00	=	\$	-		\$	-	
Curb Inlet (Type R) L=15', 10' ≤ Depth < 15'		EA	\$ 15,130.00	=	\$	-		\$	-	
Curb Inlet (Type R) L=20', Depth < 5'		EA	\$ 13,755.00	=	\$	-		\$	-	
Curb Inlet (Type R) L=20', 5' ≤ Depth < 10'		EA	\$ 15,181.00	=	\$	-		\$	-	
Grated Inlet (Type C), Depth < 5'		EA	\$ 6,037.00	=	\$	-		\$	-	
Grated Inlet (Type D), Depth < 5'	2.	EA	\$ 7,458.00	=	\$	14,916.00		\$	14,916.00	
Storm Sewer Manhole, Box Base		EA	\$ 15,130.00	=	\$	-		\$	-	
Storm Sewer Manhole, Slab Base		EA	\$ 8,322.00	=	\$	-		\$	-	
Geotextile (Erosion Control)		SY	\$ 9.00	=	\$	-		\$	-	
Rip Rap, d50 size from 6" to 24"	351	Tons	\$ 104.00	=	\$	36,504.00		\$	36,504.00	
Rip Rap, Grouted		Tons	\$ 124.00	=	\$	-		\$	-	
Drainage Channel Construction, Size ( W x H )		LF		=	\$	-		\$	-	
Drainage Channel Lining, Concrete		CY	\$ 741.00	=	\$	-		\$	-	
Drainage Channel Lining, Rip Rap		CY	\$ 145.00	=	\$	-		\$	-	
Drainage Channel Lining, Grass		AC	\$ 1,911.00	=	\$	-		\$	-	
Drainage Channel Lining, Other Stabilization				=	\$	-		\$	-	
<i>[insert items not listed but part of construction plans]</i>										
* - Subject to defect warranty financial assurance. A minimum of 20% shall be retained until final acceptance (MAXIMUM OF 80% COMPLETE ALLOWED)										
<b>Section 2 Subtotal</b>					=	\$	<b>160,152.00</b>		\$	<b>160,152.00</b>



PROJECT INFORMATION							
Overlook at Homestead Early Grading		8/21/2024		EGP241			
Project Name		Date		PCD File No.			
Description	Quantity	Units	Unit Cost	Total	(with Pre-Plat Construction)		
					% Complete	Remaining	
<b>SECTION 3 - COMMON DEVELOPMENT IMPROVEMENTS (Private or District and NOT Maintained by EPC)**</b>							
<b>ROADWAY IMPROVEMENTS</b>							
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
<b>STORM DRAIN IMPROVEMENTS</b> (Exception: Permanent Pond/BMP shall be itemized under Section 1)							
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
<b>WATER SYSTEM IMPROVEMENTS</b>							
Water Main Pipe (PVC), Size 8"		LF	\$ 84.00	=	\$	-	\$
Water Main Pipe (Ductile Iron), Size 8"		LF	\$ 98.00	=	\$	-	\$
Gate Valves, 8"		EA	\$ 2,418.00	=	\$	-	\$
Fire Hydrant Assembly, w/ all valves		EA	\$ 8,584.00	=	\$	-	\$
Water Service Line Installation, inc. tap and valves		EA	\$ 1,723.00	=	\$	-	\$
Fire Cistem Installation, complete		EA		=	\$	-	\$
				=	\$	-	\$
<i>[insert items not listed but part of construction plans]</i>							
				=	\$	-	\$
<b>SANITARY SEWER IMPROVEMENTS</b>							
Sewer Main Pipe (PVC), Size 8"		LF	\$ 84.00	=	\$	-	\$
Sanitary Sewer Manhole, Depth < 15 feet		EA	\$ 5,708.00	=	\$	-	\$
Sanitary Service Line Installation, complete		EA	\$ 1,825.00	=	\$	-	\$
Sanitary Sewer Lift Station, complete		EA		=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
<i>[insert items not listed but part of construction plans]</i>							
				=	\$	-	\$
<b>LANDSCAPING IMPROVEMENTS</b> (For subdivision specific condition of approval, or PUD)							
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
				=	\$	-	\$
<b>Section 3 Subtotal</b>				=	\$	-	\$

\*\* - Section 3 is not subject to defect warranty requirements


**PROJECT INFORMATION**

Overlook at Homestead Early Grading 8/21/2024 EGP241  
 Project Name Date PCD File No.

Description	Quantity	Units	Unit Cost	Total	(with Pre-Plat Construction)	
					% Complete	Remaining
AS-BUILT PLANS (Public Improvements Inc. Permanent WQCV BMPs)			\$ 8,000.00	= \$ 8,000.00	\$	8,000.00
POND/BMP CERTIFICATION (Inc. elevations and volume calculations)		LS	\$ 15,000.00	= \$ 15,000.00	\$	15,000.00
<b>Total Construction Financial Assurance</b>						<b>\$ 830,048.00</b>
(Sum of all section subtotals plus as-builts and pond/BMP certification)						
<b>Total Remaining Construction Financial Assurance (with Pre-Plat Construction)</b>						<b>\$ 830,048.00</b>
(Sum of all section totals less credit for items complete plus as-builts and pond/BMP certification)						
<b>Total Defect Warranty Financial Assurance</b>						<b>\$ 120,957.08</b>
(20% of all items identified as (*). To be collateralized at time of preliminary acceptance)						

**Approvals**

I hereby certify that this is an accurate and complete estimate of costs for the work as shown on the Grading and Erosion Control Plan and Construction Drawings associated with the Project.



\_\_\_\_\_  
 Engineer (Professional Engineer)

✓ *Joseph W. Desjardin*

\_\_\_\_\_  
 Approved by Owner / Applicant

\_\_\_\_\_  
 Approved by El Paso County Engineer / ECM Administrator

\_\_\_\_\_  
 Date

*08/23/2024*

\_\_\_\_\_  
 Date